

REMARKS

The Examiner has issued a restriction requirement requesting the Applicant to select one of the inventions set forth in either Group I, II or III. In response to a phone conversation with the Examiner, the undersigned elected to pursue the invention of Group II directed to claims 4-12 and 19-30 without traverse. Affirmation of such election is hereby made and the non-elected claims have been cancelled.

The Examiner, in the Official Action, rejected claims 4, 21 and 29 under 35 USC § 102(e) as being anticipated by Tobita et al., U.S. Patent Publication 2002/0009987. Applicant respectfully submits that the Tobita reference does not teach or suggest the invention as taught and claimed by Applicant. In particular independent claims 4, 21 and 29 are directed to a method for automatically forwarding a digital media file from a first party to a second party. There is no automatic forwarding of digital media files in the Tobita reference as taught and claimed by Applicant. In this regard, Applicant respectfully refers the Examiner to paragraphs 86, 87 and 89 of the Tobita reference. Paragraph 86 discusses the records corresponding to the number of persons authorized in disclosure of the HTML, mail are added to the database 15. The storage destination address of the HTML mail is described in the storage field of each record. The mail address of the person authorized for disclosure are described in the mail address field of each record. Thus, it can be seen that Fig. 4 is referring to an authorization process where images are stored in particular locations. Paragraph 87 states that the mail 17 creates an electronic mail notifying the HTML mail destination of an HTML mail in storage. Thus, the recipient is notified of the mail address of where the image is stored, and further as set forth at paragraph 89, numeral 18 represents an HTML mail disclosure section. When a mobile phone 4 sends an HTML mail disclosure request, the HTML disclosure section 18 transmits an HTML mail storage destination address and the user identification information of the disclosure requesting mobile phone 4 from the link information to the controller 19. As further set forth in paragraph 89, when the user identifier of a disclosure requesting phone coincides with the user identified described in the identified field of any one of the retrieved records, the controller 19 issues permission of disclosure to the HTML mail disclosure

section. This is in contrast to the present invention as claimed wherein there is automatically forwarding of the digital media file. In the present invention, there is provided a content identifier which includes an associated electronic address. The content identifier immediately identifies who are the recipients of the image. A single content identifier of the present invention can be associated with a number of different images and with respect to a number of different recipients. In the present invention if there are a number of images having the same image content identifier, they will be sent to all of the individuals associated with any associated electronic address. In the present invention, a plurality of different addresses may be associated with each image content identifier. This is clearly not taught or suggested. What is taught in the Tobita reference is an authorization process for allowing access to images that are stored at a storage site. Accordingly, it is respectfully submitted that these claims are patentably distinct over the cited prior art.

With regard to claims 5-7, 19-20, 23 and 24, the Examiner has rejected these claims under 35 USC § 102(b) as being anticipated by McCoy et al. (U.S. patent 6,018,739) for the reasons set forth in paragraph 16. In this regard Applicant respectfully submits that the McCoy reference does not teach or suggest the invention as taught and claimed by Applicant. In particular, independent claims 5, 7, 8, 10, 12, 19 and 23 are directed to a method, system and computer software product which are used for identifying images for communication over a communication network. In particular, there is provided the creating an image content identifier based on a feature identified within the digital image, that once having identified this image content identifier, the image will automatically be displayed, transmitted or stored based on an image content identifier found within another second image. Claims 5 and 7 have been amended by providing “automatically” in front of displaying, transmitting or storing. Thus, in independent claims 5 and 7 the act of displaying, transmitting or storing occurs based on the automatic identifying of an image content identifier within a second image. The cited McCoy image is directed to a biometric identification system for identifying individuals. The system includes a centralized server coupled to a plurality of distributed client workstations that are capable of obtaining biometric information and photographs of an individual. The workstations and the server cooperate to rapidly and accurately compare fingerprints of an individual against

previously obtained fingerprints stored in the fingerprint database (see Column 1, lines 62-65). Column 8, lines 23-45 simply discloses that the work is provided at a workstation, in particular fingerprint images and photographs of the face associated with the individual are obtained using a digital camera and digital fingerprint camera. See column 8, lines 29-31. The fingerprint minutiae are extracted from the stored fingerprint images. The full fingerprint image and photographing image of the face are then compressed and are stored in a local compressed image storage device. The fingerprint and compressed image and textual information are then processed along with transaction parameters to generate a search and enroll transaction that is sent to the server 11 for processing (see column 8, lines 41-44). The fingerprints are not used to identify a feature within a digital image. In the McCoy reference, separate image photographs are taken of the individual at the same time fingerprint data is also obtained. There is no identifying a feature within a digital image as taught and claimed by Applicant and creating an image identifier and automatically displaying, transmitting or storing a second digital image based on identifying the image content identifier found within the second digital image. What is processed in the McCoy reference is data information. There is no creating identifying feature that is used for creating an image content identifier controlling the automatically displaying transmitting of a second image. Claim 7 has been amended to set forth that the feature is identified within an image based on a pre-established image identifier. McCoy is simply directed to trying to authenticate an individual based on information gathered at a workstation that requires human step for gathering and sending data. The information used in McCoy is used to retrieve information and not used for automatic forwarding of information. The McCoy reference obtains information at a first location that is used to try to retrieve images from a remote location. This is in contrast to the present invention wherein an image identifier is obtained at a first location and then used to identify images at the first location which results in the automatic forwarding of the identified image to a remote location. The present invention is not directed to a retrieval system but to a system that is used for identifying second images that have a particular feature and then performing an automatic task based on the presence of the identifier.

With regard to independent claim 10, it is very similar to the previous independent claims discussed except in this situation there is provided an

identified electronic associated address where the images are automatically forwarded. The electronic address in the present invention can be any address which the image can be forwarded to. For example, as set forth in independent claim 11, the images are sent to a fulfillment provider for providing goods and/or services with respect to the one digital image file. In the present invention, the content identifier as set forth, has specific electronic address associated therewith. There is no teaching or suggestion of providing an associated address with a content identifier as taught and claimed by Applicant. Independent claims 19, 20 and 23 include similar type features as previously discussed and are patentably distinct for the same reasons previously discussed. Independent claim 23 and its dependent claims have been cancelled.

The Examiner has also rejected claims 8, 25, 27 and 28 under 35 USC § 103(a) as being unpatentable over McCoy. Claims 8 and 28 have also been cancelled. Accordingly, the rejection with regard to claims 8 and 28 are no longer applicable.

The claims have also been amended to provide "The" in place of "A" as suggested by the Examiner.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Frank Pincelli", is written over a horizontal line.

Attorney for Applicant(s)
Registration No. 27,370

Frank Pincelli/phw
Rochester, NY 14650
Telephone: 585-588-2728
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.